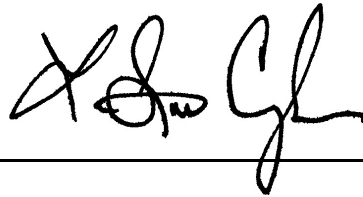


[illegible]

ORDER

At least 3 business days in advance of the pretrial conference, plaintiff's counsel is to forward a copy of the parties' proposed pretrial order, hereto attached, by an e-mail submission to `coogler_chambers@alnd.uscourts.gov` and furnish all other parties with a copy also.

Done this 17th day of July, 2015.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', is written over a horizontal line.

L. SCOTT COOGLER

UNITED STATES DISTRICT JUDGE

173538

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

[Name of the Plaintiff(s)],]	
]	
Plaintiff(s),]	
]	
vs.]	[Case Number]
]	
[Name of the Defendant(s)],]	
]	
Defendant(s).]	

PRETRIAL ORDER

A pretrial conference was held in the above case on [Date], wherein, or as a result of which, the following proceedings were held and actions taken:

- (1) **APPEARANCES:** Appearing at the conference were:

For *[Enter Plaintiff No. 1]*:

For *[Enter Plaintiff No. 2]*:

For [Enter Defendant No. 1]:

For [Enter Defendant No. 2]:

[Include a line for each party in the case, unless same counsel represents all parties on particular side.]

- (2) JURISDICTION AND VENUE:

- a. The court has subject matter jurisdiction of this action under the following statutes, rules or cases:

[List each statute, rule or case that is claimed to authorize the court's subject matter jurisdiction in this action.]

- b. All jurisdictional and procedural requirements prerequisite to maintaining this action have been met.

- c. Is personal jurisdiction or venue contested?

Yes No

[If personal jurisdiction or venue is contested, briefly set out the relevant arguments.]

- (3) PARTIES AND TRIAL COUNSEL: Any remaining fictitious parties are hereby

STRICKEN. The parties before the Court and designated trial counsel are correctly named as set out below:

PARTIES

[Enter Plaintiff No. 1]

TRIAL COUNSEL

[Enter Plaintiff No. 2]

[Enter Defendant No. 1]

[Enter Defendant No. 2]

[Include a line for each party in the case.]

- (4) PLEADINGS: The following pleadings have been allowed:

[List the pleadings in the order in which they were filed and allowed. Do not include pleadings that have been stricken or otherwise disallowed. See Rule 7(a) for a list of allowable pleadings.]

- (5) STATEMENT OF THE CASE:

- a. Narrative Statement of the Case.

[The parties shall briefly summarize the case without using "color" words or argument. In most cases, this should require no more than three or four sentences. In a jury trial, this section will be read to the jury venire during the jury selection process.]

- b. Undisputed Facts.

[The parties shall set out in separate numbered paragraphs each fact that is not in dispute. The parties are reminded that the court expects them to approach this task in a good faith effort to agree on all relevant facts for which there is no reasonable basis for disagreement in an effort to reduce the need for evidence at and length of the trial. In a jury trial, this section will be read to the jury and the jury will be instructed to accept these facts as true.]

- c. Plaintiff's Claims.

[For each defendant, each plaintiff shall concisely state each legal theory relied upon and shall set out the factual allegations which he/she expects to prove in support of each such legal theory. Vague, conclusory and general claims and allegations are not acceptable. In other words, no weasel wording. By this stage of the proceedings the plaintiff is expected to know what the claims are and must state precisely the issues expected to be tried. Each claim must be set out in a separately numbered paragraph, appropriately labeled. Think common law pleading. Under each claim, the plaintiff shall list any citations to the major

cases, statutes, etc. that support his/her legal theory.]

d. Defendant's Defenses:

[For each claim against him, each defendant shall concisely state each legal theory relied upon and shall set out the factual allegations which he/she expects to prove in support of each such legal theory. Vague, conclusory and general claims and allegations are not acceptable. In other words, no weasel wording. By this stage of the proceedings the defendant is expected to know what the defenses are and must state precisely the issues expected to be tried. Each defense must be set out in a separately numbered paragraph, appropriately labeled. Think common law pleading. Under each defense, the defendant shall list any citations to the major cases, statutes, etc. that support his/her legal theory.]

(6) DISCOVERY AND OTHER PRETRIAL PROCEDURES:

a. Pretrial Discovery.

i. _____ Pursuant to previously entered orders of the court, discovery is closed.

ii. _____ The parties are given leave to proceed with further discovery provided it is commenced in time to be completed by _____.

b. Pending motions.

[List all pending motions or state that there are no motions pending. Motions should be listed in separately numbered paragraphs, leaving sufficient space for the court to indicate its rulings below each listed motion.]

c. Most evidentiary issues may be resolved through a stipulation of the parties. A motion in limine should be filed only if there is genuine disagreement. Prior to filing any motion in limine, moving counsel shall contact the opposing counsel and determine if there will be opposition to the motion. All motions in limine shall include, in the caption under the case number, a notation that motion is "Opposed" or "Unopposed." In addition, the first paragraph SHALL briefly summarize the parties' attempt to resolve the issue and set forth areas of agreement and disagreement. If the motion is opposed, the court will withhold ruling on the motion for a period of three business days to permit opposing counsel time to submit a response to the motion. The court may enter a briefing schedule for a particular motion which will supersede this general schedule. Motions in limine must be filed at least one week in advance of the scheduled trial date and shall be accompanied by supporting memoranda.

(7) *TRIAL (JURY): At least ten business days prior to the scheduled trial date, the parties must file a **single, joint proposed jury charge**, including all necessary instructions, or definitions applicable to the specific issues of the case. The parties need not submit standard generic instructions regarding routine matters;

e.g., burden of proof, credibility of witnesses, duty of jurors, etc.

a. In joint, proposed jury materials, counsel are to include all necessary instructions or definitions, specifically including (1) the *prima facie* elements of each cause of action and defense asserted; (2) legal definitions required by the jury; (3) items of damages; and (4) methods of calculation of damages. Counsel are to use the 11th Circuit Pattern Jury Instructions, or appropriate state pattern jury instructions, as modified by case law or statutory amendments, wherever possible. Any deviations must be identified, and accompanied with legal authorities for the proposed deviation.

b. Even if the parties, in good faith, cannot agree on all instructions, definitions or questions, the parties should nonetheless submit a single, **unified** charge. Each disputed instruction, definition, or question should be set out in bold type, underline or italics and identified as disputed. Each disputed item should be labeled to show which party is requesting the disputed language. Accompanying each instruction that deviates from pattern charges shall be all authority or related materials upon which each party relies. The parties shall also submit a copy as an e-mail submission to coogler_chambers@alnd.uscourts.gov.

c. If the verdict form will include special interrogatories for the jury to answer, counsel shall include such special interrogatories with their proposed jury instructions.

* TRIAL (NON-JURY):

a. If the parties wish to submit trial briefs OR IF the court directs the parties to submit trial briefs, they shall file them along with a court's courtesy copy, with the Clerk of the Court at least one week in advance of trial. The Clerk will forward the court's courtesy copy to chambers. **DO NOT** hand deliver copies to chambers. Also, the trial briefs shall be sent as an e-mail submission to coogler_chambers@alnd.uscourts.gov.

b. At least one week in advance of trial, each party shall submit to the Clerk of the Court, a proposed trial order which will be forwarded by the Clerk to chambers. This trial order shall include: (1) a statement of undisputed facts, (2) proposed findings of fact as to facts that are in dispute, and (3) proposed conclusions of law. The proposed findings of fact shall include citations to the witness(es), documents(s), or other evidence the party expects to support each proposed finding of fact. The parties may rely on statements of undisputed facts contained in the joint status report or the pretrial order in ascertaining which proposed findings of fact are undisputed, but shall not incorporate these facts by reference. Each party's proposed trial order shall also be sent as an e-mail submission to coogler_chambers@alnd.uscourts.gov.

(8) TRIAL DATE.

a. This case is set for trial (jury / non-jury) on _____.

b. This case will be ready for trial on or after _____.

It is ORDERED that the above provisions be binding on all parties unless modified by further order for good cause shown. Done, this _____ day of _____, 200__.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

NOTES:

1. These instructions have been reproduced in this manner, i.e., small print, dual columns and landscape printing, to save postage costs. Counsel should prepare pretrial orders in the usual way, using regular paper, **fourteen point type**, no columns, and portrait printing.

2. This Pretrial Order form may be accessed at www.alnd.uscourts.gov; Court Info, Judicial Officers, L. Scott Coogler, Pretrial Order.